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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

LOWANA SHANELL DUMAS

2615 Martin L King Avenue
Flint, Michigan 48505
(810) 309-3158

Case: 2:10-cv-12661

Judge: Feikens, John

MJ: Morgan, Virginia M

Filed: 07-06-2010 At 09:01 AM

IFP Lowana Dumas v. Hurley Medical Center, et al (dw)

Plaintiff, *In propria persona*

Versus

HURLEY MEDICAL CENTER, et.al

One Hurley Plaza
Flint, Michigan 48503
(810) 257-9731

Defendants, *no known attorneys*

[list attached]

CIVIL COMPLAINT

COMPLETE LIST OF KNOWN DEFENDANTS¹

- DEFENDANT NO.: 1. HURLEY MEDICAL CENTER**
A government owned and funded, teaching medical organization which is authorized to practice in Genesee, Shiawassee, and Lapeer counties of Michigan.
- DEFENDANT NO.: 2. CITY OF FLINT**
The municipality which owns / operates Hurley Medical Center.
- DEFENDANT NO.: 3. AFSCME LOCAL 1603**
An organized union which functions within Hurley Medical Center to represent interest of its members.
- DEFENDANT NO.: 4. AFSCME COUNCIL 25**
An organization which provides legal counsel and representation for local 1603 members.
- DEFENDANT NO.: 5. DAVID SCZEPANSKI, HURLEY MEDICAL CENTER LABOR RELATIONS DIRECTOR**
In professional and individual capacity
- DEFENDANT NO.: 6. VANESSA NELSON, HURLEY MEDICAL CENTER SENIOR LABOR RELATIONS ANALYST**
In professional and individual capacity
- DEFENDANT NO.: 7. JAY C. KITSON, HURLEY MEDICAL CENTER VICE PRESIDENT HUMAN RESOURCES**
In professional and individual capacity
- DEFENDANT NO.: 8. DWAYNE PARKER, HURLEY MEDICAL CENTER EQUITY & CULTURAL DIVERSITY DIRECTOR**
In professional and individual capacity
- DEFENDANT NO.: 9. DELORIS LOTS, LOCAL 1603 PRESIDENT**
In professional and individual capacity
- DEFENDANT NO.: 10. PATRICIA RAMIREZ, LOCAL 1603 BARGAINING CHAIRPERSON**
In professional and individual capacity
- DEFENDANT NO.: 11. SHEILA MOORE, HURLEY MEDICAL CENTER LABORATORY HEAD SUPERVISOR**
In professional and individual capacity
- DEFENDANT NO.: 12. KRISTEN DELONEY, HURLEY MEDICAL CENTER LABORATORY SUPERVISOR**
In professional and individual capacity

¹ Plaintiff does not waive the right to pursue any claims against any parties which are unknown and/or concealed at the time of this filing and by this statement preserves said right.

In professional and individual capacity
DEFENDANT NO.: 13. MARLENA MILLER, HURLEY MEDICAL CENTER LABORATORY CLERK
In professional and individual capacity

DEFENDANT NO.: 14. JANICE ANDERSON, HURLEY MEDICAL CENTER LABORATORY CLERK
In professional and individual capacity

DEFENDANT NO.: 15. CARLA [LAST NAME UNKNOWN], HURLEY MEDICAL CENTER LABORATORY CLERK
In professional and individual capacity

DEFENDANT NO.: 16. JAVONKA [LAST NAME UNKNOWN], HURLEY MEDICAL CENTER LABORATORY CLERK
In professional and individual capacity

DEFENDANT NO.: 17. EMILY [LAST NAME UNKNOWN], HURLEY MEDICAL CENTER MEDICAL TECHNOLOGIST
In professional and individual capacity

DEFENDANT NO.: 18. BRANDY MARSH, HURLEY MEDICAL CENTER LABORATORY CLERK
In professional and individual capacity

CONTACT INFORMATION & ADDRESSES OF SERVICE ²

DEFENDANT NO.: 1. HURLEY MEDICAL CENTER [810-257-9000]
ATTN. William Smith, Vice President Legal Affairs
1 Hurley Plaza; Flint, Michigan 48503

DEFENDANT NO.: 2. CITY OF FLINT [810-766-7146]
ATTN. Peter Bade, City Attorney
1101 South Saginaw Street; Flint, Michigan 48502

DEFENDANT NO.: 3. AFSCME LOCAL 1603 [810-262-9681]
ATTN: AFSCME Local 1603
1 Hurley Plaza; Flint, Michigan 48503

DEFENDANT NO.: 4. AFSCME COUNCIL 25 [810-787-5381]
ATTN: Albert Garrett, President
G-4101 Clio Road; Flint, Michigan 48504

DEFENDANT NO.: 5. DAVID SZCZEPANSKI [810-262-9494]
ATTN: Labor Relations Department
1 Hurley Plaza; Flint, Michigan 48503

² Service may be by mail, in-person, or by any other means authorized by F.R.C.P. Rule 4.

- DEFENDANT NO.: 6. **VANESSA NELSON [810-257-9000]**
ATTN: Labor Relations Department
1 Hurley Plaza; Flint, Michigan 48503
- DEFENDANT NO.: 7. **JAY C. KITSON [810-257-9672]** .
ATTN: Human Resources Department
1 Hurley Plaza; Flint, Michigan 48503
- DEFENDANT NO.: 8. **DWAYNE PARKER [810-257-9886]**
ATTN: Personnel Department
1 Hurley Plaza; Flint, Michigan 48503
- DEFENDANT NO.: 9. **DELORIS LOTS [810-262-9681]**.
ATTN: AFSCME Local 1603
1 Hurley Plaza; Flint, Michigan 48503
- DEFENDANT NO.: 10. **PATRICIA RAMIREZ [810-262-9681]**
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1 Hurley Plaza; Flint, Michigan 48503
- DEFENDANT NO.: 11. **SHEILA MOORE [810-257-9130]**
ATTN: Laboratory Services Department
1 Hurley Plaza; Flint, Michigan 48503
- DEFENDANT NO.: 12. **KRISTEN DELONEY [810-257-9130]**
C/O: SHEILA MOORE, Laboratory Services Department
1 Hurley Plaza; Flint, Michigan 48503
- DEFENDANT NO.: 13. **MARLENA MILLER [810-257-9130]**
C/O: SHEILA MOORE, Laboratory Services Department
1 Hurley Plaza; Flint, Michigan 48503
- DEFENDANT NO.: 14. **JANICE ANDERSON [810-257-9130]**
C/O: SHEILA MOORE, Laboratory Services Department
1 Hurley Plaza; Flint, Michigan 48503
- DEFENDANT NO.: 15. **CARLA [LAST NAME UNKNOWN] [810-257-9130]**
C/O: SHEILA MOORE, Laboratory Services Department
1 Hurley Plaza; Flint, Michigan 48503
- DEFENDANT NO.: 16. **JAVONKA [LAST NAME UNKNOWN] [810-257-9130]**
C/O: SHEILA MOORE, Laboratory Services Department
1 Hurley Plaza; Flint, Michigan 48503
- DEFENDANT NO.: 17. **EMILY [LAST NAME UNKNOWN] [810-257-9130]**
C/O: SHEILA MOORE, Laboratory Services Department
1 Hurley Plaza; Flint, Michigan 48503

DEFENDANT NO.: 18. **BRANDY MARSH, [810-257-9130]**

C/O: SHEILA MOORE, Laboratory Services Department
1 Hurley Plaza; Flint, Michigan 48503

STATEMENT OF CITIZENSHIP

1. Plaintiff is a resident of the State of Michigan and a lawful citizen of the United States of America. Named Defendants No. 1 - No. 4: AFSCME Council 25, AFSCME Local 1603, City Of Flint, and Hurley Medical Center are lawful government municipalities, organizations, or incorporations whose principle place of business is in the State of Michigan.
2. Named Defendants no.5 - no.18: David Szczepanski, Vanessa Nelson, Jay C. Kitson, Dwayne Parker, Deloris Lots, Patricia Ramirez, Sheila Moore, Kristen Deloney, Marlena Miller, Janice Anderson, Carla [Last Name Unknown], Javonka [Last Name Unknown], Emily [Last Name Unknown], and Brandy Marsh are residents of the State of Michigan and lawful citizens of the United States of America.

STATEMENT OF JURISDICTION

This labor case does involve federal statutes, including the United States Constitution and Amendments thereto; 5 USC §5596; 18 USC §241; 18 USC §242; 18 USC §245; 21 USC §141; 29 USC §158; 42 USC §1201; 42 USC §1983; & 42 USC §2000. Therefore, JURISDICTION IS PROPER in this honorable court.

STATEMENT OF VENUE

As there is currently no judge appointed to the Federal District Court located in Flint, Michigan VENUE IS ALSO PROPER in this honorable court.

KNOWN CAUSES OF ACTION³ (categorized⁴)

BREACH (12 counts)

- COUNT 1:: Breach of Implied Contract for Employment
- COUNT 2:: Breach of Express Contract for Employment
- COUNT 3:: Breach of Guarantee/ Warranty of Employment
- COUNT 4:: Breach of Implied Covenant of Good Faith and Fair Dealing
- COUNT 5:: Breach of Express Covenant of Good Faith and Fair Dealing
- COUNT 6:: Breach of Performance Contract for Employment
- COUNT 7:: Breach of Satisfaction Contract for Employment
- COUNT 8:: Breach of Verbal Contract for Employment
- COUNT 9:: Induced Breach of Contract for Employment
- COUNT 10:: Negligent Breach of Contract for Employment
- COUNT 11:: Breach of Fiduciary Duties
- COUNT 12:: Breach of Trust

TERMINATION (3 counts)

- COUNT 13:: Retaliatory Discharge
- COUNT 14:: Constructive Discharge
- COUNT 15:: Wrongful Discharge

³ Plaintiff does not waive the right to pursue any claims which are unknown and/or concealed at the time of this filing and by this statement preserves said right.

⁴ Plaintiff has attempted to sort the list of causes of action into categories for ease of reading. This in no way implies or intends that the causes of action may be minimized into the number of categories; but only demonstrates that Plaintiff has excellent organizational skills.

FRAUD (16 counts)

- COUNT 16:: Abuse of Privilege
- COUNT 17:: Disparagement of Goods & Slander of Title
- COUNT 18:: Business Defamation
- COUNT 19:: Defamation of Character
- COUNT 20:: Malicious Publication of Fraudulent Material
Misrepresentations
- COUNT 21:: Negligent Publication of Fraudulent Material
Misrepresentations
- COUNT 22:: Nondisclosure
- COUNT 23:: Fraud
- COUNT 24:: Silent Fraud
- COUNT 25:: Innocent Misrepresentation
- COUNT 26:: Fraudulent Misrepresentation
- COUNT 27:: Unilateral Changes of Written Policies and Verbal Contracts
- COUNT 28:: Featherbedding
- COUNT 29:: Promissory Estoppel
- COUNT 30:: Unconscionability
- COUNT 31:: Unfair Labor Practices in Violation of Public Policy

INVASION (7 counts)

- COUNT 32:: Invasion of Privacy
- COUNT 33:: Invasion of Privacy Through Tortious Interference with
Penumbra of Privacy Guaranteed by the United States
Constitution
- COUNT 34:: Invasion of Privacy Through Public Disclosure of Private Facts
Concerning Plaintiff

- COUNT 35:: Invasion of Privacy Through Intra-corporate Disclosure of Private Facts Concerning Plaintiff
- COUNT 36:: Invasion of Privacy Through Inter-corporate Disclosure of Private Facts Concerning Plaintiff
- COUNT 37:: Invasion of Privacy Through Malicious Construction of False Light
- COUNT 38:: Invasion of Privacy Through Intrusion Into Seclusion

NEGLIGENCE (5 counts)

- COUNT 39:: Negligent Infliction of Loss of Society
- COUNT 40:: Negligence
- COUNT 41:: Gross Negligence
- COUNT 42:: Negligent Supervision
- COUNT 43:: Creation, Encouragement and Sustainment of a Hostile Work Environment

INTERFERENCE (9 counts)

- COUNT 44:: Interference with Federally Protected Activities
- COUNT 45:: Tortious Interference with Existing Contract for Employment
- COUNT 46:: Tortious Interference with Existing Business Relations and Economic Advantage
- COUNT 47:: Tortious Interference with Existing Advantageous Business Relationship
- COUNT 48:: Tortious Interference with Potential Business Relationship/Expectancy Thereof
- COUNT 49:: Tortious Interference with Potential Economic Advantage
- COUNT 50:: Tortious Interference with Right to Due Process

COUNT 51:: Tortious Interference With Right To Confidentiality

COUNT 52:: Tortious Interference With Right To Due Process

DISCRIMINATION (16 counts)

COUNT 53:: Discrimination animus

COUNT 54:: Color of Eye Discrimination

COUNT 55:: Color of Skin Discrimination per Civil Rights Act

COUNT 56:: Ethnic Intimidation per Michigan Ethnic Intimidation Act

COUNT 57:: Ethnicity Discrimination per Civil Rights Act

COUNT 58:: Ethnicity Discrimination per Michigan Ethnic Intimidation Act

COUNT 59:: Gender Discrimination per Civil Rights Act

COUNT 60:: Genetic Discrimination per Title II of the Genetic Information
Nondiscrimination Act

COUNT 61:: Marital Status Discrimination per Elliot-Larsen Civil Rights Act

COUNT 62:: Maternal Status Discrimination per Elliot-Larsen Civil Rights Act

COUNT 63:: Maternal Status Discrimination per Americans with Disabilities
Act

COUNT 64:: Race Discrimination per Civil Rights Act

COUNT 65:: Weight Discrimination per Elliot Larsen Civil Rights Act

COUNT 66:: Disability Discrimination per Americans With Disabilities Act

COUNT 67:: Disparate Treatment per Title VII

COUNT 68:: Disparate Impact per Title VII

ADDITIONAL (21 counts)

COUNT 69:: Civil Conspiracy

COUNT 70:: Malice

- COUNT 71:: Hazing
- COUNT 72:: Sabotage
- COUNT 73:: Coercion
- COUNT 74:: Harassment
- COUNT 75:: Oppression
- COUNT 76:: Retaliation
- COUNT 77:: Segregation
- COUNT 78:: Concert of Action
- COUNT 79:: Intentional Infliction of Emotional Distress and Mental Anguish
- COUNT 80:: Negligent Infliction of Emotional Distress and Mental Anguish
- COUNT 81:: Conspiracy Against Rights
- COUNT 82:: Active Concealment
- COUNT 83:: Deprivation of Liberty Interests
- COUNT 84:: Discipline for Union Activity
- COUNT 85:: Violation Of National Labor Relations Act
- COUNT 86:: Violation Of Labor Management Reporting And Disclosure Act
- COUNT 87:: Violation of Whistleblower Protection Act
- COUNT 88:: Deprivation Of Rights Under Color Of Law
- COUNT 89:: Constitutional Challenge to AFSCME, LOCAL 1603, Hurley Medical Center, & City of Flint Policies In Re Probationary Employees Which Allow Violation of Civil Liberties & Civil Rights

COMPLAINT & DEMAND FOR RELIEF

1. PLAINTIFF applied for employment with Hurley Medical Center for the advertised position of Laboratory Clerk. One position was advertised as available in the Flint Journal Employment Classifieds Section.
2. PLAINTIFF successfully completed all testing and ranked high enough to be in the running for attainment of the position provided the interview, drug test, and reference check came back successful.
3. PLAINTIFF successfully completed the reference check.
4. PLAINTIFF successfully completed the drug test.
5. PLAINTIFF successfully completed an interview process that included physical examination and face-to-face questioning from Supervisor Kristen DeLoney (second/third shift supervisor) and [Name unknown] (first shift supervisor).
6. PLAINTIFF provided full disclosure during the interview process that she had never previously worked in a medical laboratory, but had medical experience from over ten years of providing home care to her Grandmother and serving as a medical services apprentice in the United States Air National Guard (Michigan).
7. PLAINTIFF received assurance that there would be time provided to learn the position and co-workers to "help" plaintiff as the functions of the position were learned.
8. PLAINTIFF provided full disclosure during the interview process of mental health conditions, SPECIFICALLY anxiety, depression, and post-traumatic stress disorder, which significantly impair one or

more major life functions AND that an accommodation may become necessary in the future.

9. PLAINTIFF received confirmation of complete understanding from Supervisor DeLoney of the physical and psychological effects of anxiety, depression, and post-traumatic stress disorders which had manifested during previous employment, such as intense shaking, jerking, inability to catch breath, panic attacks, inability to function (cognitive, emotional, physical), & severe stress.
10. PLAINTIFF provided full disclosure of what actions of former employer precipitated the physical and psychological effects of the anxiety, depression, and post-traumatic stress disorders.
11. PLAINTIFF received confirmation of complete understanding from Supervisor DeLoney of what actions would trigger the physical and psychological effects of the anxiety, depression, and post-traumatic stress disorders.
12. PLAINTIFF provided full disclosure during the interview process of physical health conditions, SPECIFICALLY dysmennohrea, fibroid tumors, and a severe reaction to dairy products which is greater than that which can ordinarily be expected from lactose intolerance; that all of these significantly impair one or more major life functions for plaintiff; AND that an accommodation would be necessary because of the severity of the physical health conditions.
13. PLAINTIFF received confirmation of complete understanding from Supervisor DeLoney of the limitations which could be imposed by and through the physical health conditions of dysmennohrea, fibroid tumors, and a severe reaction to dairy products which included excessive flatus; excessive vaginal bleeding not consistent with, but

in addition to menses; inability to walk, sit, or stand; severe nausea and vomiting; inability to provide physical assistance to self (need for assistance with utilization of restroom, medication administration).

14. PLAINTIFF received assurance from Supervisor DeLoney that provided *"a telephone call is received prior to the beginning of assigned shift, there will be no problem; nothing to worry about because if you can't walk, then you can't walk. I wouldn't expect you to."* Per Supervisor DeLoney, "notice" was the only requirement when someone is unable to come in to work that day".
15. PLAINTIFF received no formal training and was placed on the job immediately to *"learn while doing"* as, per Supervisor DeLoney, *"it's the only way to understand the job"*.
16. PLAINTIFF was notified by Supervisor DeLoney that there was *"no real procedure on how to do the job and she [DeLoney] had no real way to train someone to do the job"*.
17. PLAINTIFF was SPECIFICALLY DIRECTED by Supervisor DeLoney to *"...take chances and make as many mistakes as you can so that you can learn during this time...because after you have been here for a year, I can't say 'Oh, well, she's new, so she couldn't have known that this was how you do that.' You are new right now; you're expected to make mistakes. Don't feel bad about it. I have girls out there who are making mistakes and they've been here a lot longer than you – you just started! Every day I come in and have mistakes to correct and they've been here for many years. If I get you to learn the job the correct way from the beginning, then you won't be making those stupid mistakes like the others when you've been here for five and ten years. I need you to try to make mistakes so that I can show*

you why it was wrong and you can learn the process." Although directly instructed to perform substandard work, plaintiff was incapable of making deliberate mistakes because it is a direct contradiction to plaintiff's work ethic and morals.

18. PLAINTIFF partook in daily follow-up discussions with Supervisor DeLoney about plaintiff's overall satisfaction with the job requirements and Supervisor DeLoney's satisfaction with plaintiff's job performance.
19. PLAINTIFF received daily assurances during these follow-up discussions of employment continuation from Supervisor DeLoney that were contingent upon Plaintiff desiring to retain the position.
20. PLAINTIFF received daily assurances during these follow-up discussions of employment continuation from Supervisor DeLoney that were contingent upon plaintiff continuing to provide the quality of work.
21. PLAINTIFF received daily during these follow-up discussions verbal progress reports wherein she was told of Supervisor DeLoney's favorable satisfaction with the quality of plaintiff's work, plaintiff's progress in learning the computer systems, and plaintiff's progress in learning the various laboratory intra-departments (stations).
22. PLAINTIFF received notice from Supervisor DeLoney that she [DeLoney] was so satisfied with plaintiff's progress and workmanship that plaintiff would be working at the front of the Laboratory Services Department the following day where she would be responsible for telephone and window reception services as well as checking laboratory slips for accuracy of data entry by the other Laboratory Clerks.

23. Plaintiff was directed by Supervisor DeLoney to ask the other Laboratory Clerks if she was unsure about something. She was further directed to return any incorrect Laboratory slips to the Laboratory Clerk who entered the information in the system so that he or she could make the corrections.
24. PLAINTIFF was told by Supervisor DeLoney the following day that there were *"concerns brought to [her] attention about [plaintiff] working up front"*. As the conversation progressed, Supervisor DeLoney disclosed that the *"concerns"* were actually *"complaints from the other Laboratory Clerks"* who indicated to her that plaintiff *"should not be allowed to work up front as they 'slave away' in the back of the department."* Supervisor DeLoney went on to state that *"the other girls don't think you're ready to work up front, so I'm not going to allow you to."*
25. PLAINTIFF was then told by MaryAnn that the other Laboratory Clerks had made up their minds about me based upon my name and how I looked. They were in regular conference with Supervisor DeLoney demanding that I be fired. Specifically, Kristen's favorite employee, Marlena Miller had repeatedly asked for my termination. Confirmations of Miller's efforts were confirmed by other workers as well.
26. PLAINTIFF confided in Tamara Green, who was hired the same date and for the same position as plaintiff, although there was only one position available about harassing behavior from the other employees. On advice from Green, plaintiff took the concerns to Supervisor DeLoney.

27. PLAINTIFF discussed at great length and in great detail the harassment which she received from co-workers, which included racial slurs of "house nigger" from African American co-workers, sabotage of work by and through such incidences as removing specimens from plaintiff's workstation and depositing them in the garbage, & an aggressive, hostile demeanor toward plaintiff.
28. PLAINTIFF was SPECIFICALLY told by Supervisor DeLoney that "the other girls are jealous because [her] skin is such a pretty color, [her] eyes are so beautiful, [her] hair is so long, [she] is so thin, [she] doesn't have any children or a husband to take up her time." And was instructed to "give them time to warm up to [her]."
29. PLAINTIFF was asked and provided the names of the individuals who were the main instigators of conflict for plaintiff.
30. PLAINTIFF disclosed during this meeting that the situation with co-workers had elevated to the point of requiring an accommodation for anxiety. Supervisor DeLoney stated that she would speak to the individuals and notify them the behavior was unacceptable, so "not to worry about it, an accommodation won't be necessary."
31. PLAINTIFF received notice of her medical conditions being common knowledge throughout the laboratory when her coworkers began asking about them. It was disclosed to plaintiff that Supervisor DeLoney had disclosed the details of her confidential medical information to coworkers who in-turn utilized it to further torment plaintiff.
32. PLAINTIFF followed up with Supervisor DeLoney about the harassment and was told that "they do this to every new girl I hire. It's just how they are; how things work in here. Ride it out."

33. PLAINTIFF endured additional harassment wherein she was told by coworkers that she "smell[s] like shit", "[is] too light to be black", "smell[s] like old cheese" and went to speak with Dwayne Parker, the EEO officer at Hurley Medical Center.
34. PLAINTIFF disclosed all information to Mr. Dwayne Parker and was told he would investigate the matter within two weeks time. Mr. Parker being African American and the offenders being African American, failed to honor his obligation and DID NOT investigate the matter.
35. PLAINTIFF last spoke with Mr. Parker after the Michigan Department of Civil Rights had become involved. Plaintiff was terminated from employment November 30, 2007. Mr. Parker disclosed to plaintiff that he had "not gotten around to investigating [her] claim [of harassment and disparate treatment] yet" in February 2009.
36. PLAINTIFF received notice from the CRD investigator that Mr. Parker failed to return phone calls in re the state investigation which sought discovery of his investigative notes.
37. PLAINTIFF received no negative feedback from Supervisor DeLoney UNTIL she asked to file a grievance about the harassment that she was receiving from co-workers. When it became obvious that Supervisor DeLoney was not going to address the situation, plaintiff felt this was her only option.
38. PLAINTIFF was SPECIFICALLY told by Supervisor DeLoney that "because she had indicated intent to file a grievance with the union (Local 1603) and contact the EEOC, things [were] not going to be easy for plaintiff." Supervisor DeLoney indicated that she considered this to be a violation of trust with her and thereby inappropriate.

39. PLAINTIFF at that time began to receive retaliatory treatment from Supervisor DeLoney which included a combative, dismissive conversation style; mockery in re plaintiff's harassment concerns, mockery in re physical manifestations of plaintiff's health conditions, including mocking plaintiff's request to not work on December 17, which is the day plaintiff's Grandmother died at Hurley Medical Center.
40. PLAINTIFF detrimentally relied upon the promises of Supervisor Deloney which SPECIFICALLY guaranteed employment continuation.
41. PLAINTIFF endured immense harassment from the laboratory services department from, by and through the named defendants to the point of psychological damage.
42. PLAINTIFF applied for unemployment benefits with the State of Michigan and was DENIED because it was the position of Hurley Medical Center that plaintiff had "voluntarily quit" the position. Irrespective of challenge which plaintiff herein lays, plaintiff was terminated by Hurley Medical Center.
43. PLAINTIFF was notified that Hurley Medical Center challenged plaintiff's ability to collect unemployment for being a "voluntary quit" who "violated work policies". Plaintiff provided a 23-page response to that challenge and was denied benefits and incorporates that document into this complaint. [see attached]
44. PLAINTIFF appealed to the board of review, received a second consideration and was denied the opportunity to be heard on the matter for lack of timeliness in protesting by Judge Dahlquist.
45. PLAINTIFF faced David Sczepanksi, Sheila Moore, and Kristen DeLoney at that hearing - all of whom presented to offer testimony against

plaintiff being allowed to receive benefits she was rightfully entitled to.

46. PLAINTIFF appealed to the board of review and was returned to Judge Dahlquist to be heard on the merit of the claim with dismissal to the lack of timeliness issue.
47. PLAINTIFF gave testimony to Judge Dahlquist about the conditions of employment, the harassment, the failure of supervisory staff to address the known issue and the termination.
48. PLAINTIFF faced Vanessa Nelson at this hearing. Ms. Nelson admitted to the court that Hurley Medical Center had provided inaccurate information to the Unemployment Agency in order to prevent plaintiff from being able to receive unemployment benefits.
49. PLAINTIFF received a favorable verdict when Judge Dahlquist found that Hurley Medical Center had violated its own policy of not following a progressive disciplinary system without cause and had subjected plaintiff to unconscionable behavior.
50. PLAINTIFF has to date received none of the unemployment funding which was due per Judge Dahlquist's order.
51. PLAINTIFF received no assistance from Local 1603, who although receiving dues, refused to help plaintiff. Plaintiff was SPECIFICALLY instructed by Patricia Ramirez to "do your time"; you have to be hazed, like a fraternity or sorority.
52. PLAINTIFF had requested assistance from Local 1603 as far back as August and received none. Upon the unsupervised determination of Patricia Ramirez, the grievance which plaintiff desired to file was never articulated. Plaintiff was instructed to "sit tight and see what happens next."

53. PLAINTIFF was "next" terminated.
54. PLAINTIFF finally received a grievance filing AFTER she was terminated. Hurley Medical Center stood by the termination and the grievance was sent to Council 25 for review to determine if they would be willing to arbitrate on Plaintiff's behalf.
55. PLAINTIFF was told by Council 25 after months of pursuing them that there is so much leeway with employers for probationary employees that there would be no reason to attempt arbitration.
56. PLAINTIFF has discovered that Council 25 will only represent you if you have committed fraud, theft, drank on the job, slept on the job, endangered others, and other comparable immoral behavior. Generally, they would have represented the racist co-workers rather than plaintiff. This is per the AFSCME website where preserving employment for these kinds of people is proclaimed as a victory! Of immorality, yes; of anything worthwhile - no.

Due to the outrageous conduct of supervisory staff, laboratory clerks, and laboratory medical technicians; the failure to provide adequate supervision of the laboratory functioning by Hurley Medical Center and the City of Flint; the continuous, malignant efforts to deprive plaintiff of dignity and civil liberty, plaintiff seeks damages in the amount of \$7,500,000.

Dated: July 4, 2010

By: Laura S. Sumar

LOWANA SHANELL DUMAS

362785692

RESPONSE TO FACT-FINDING FORM*fired - violation of policy***EMPLOYER NAME: HURLEY MEDICAL CENTER****1. ON WHAT DATE WERE YOU FIRED?**

I was suspended pending permission to terminate on November 30, 2007 and was sent a notice of termination effective December 19, 2007.

2. WHO FIRED YOU? GIVE NAME AND TITLE.

I was fired by Kristen Deloney; she is one of the supervisors of the laboratory department.

3. ON WHAT DATE DID THE INCIDENT OCCUR WHICH CAUSED YOU TO BE FIRED?

I received discriminatory treatment from the day I began employment with Hurley Medical Center until the day I was fired, including being mocked because I am a multi-racial person and being repeatedly called a "house-nigger" by the darker-skinned blacks employed there. My skin tone is very light, a golden-tan (I am often mistaken for Caucasian because I look like I am and have a tan); my eyes are grey, but change to blue and green.

At the onset of my employment with the Laboratory Department it was determinable that there was a set of workers within the department who formed a group of close-knit friends (all female), commonly referenced within the department and within the hospital as a "clique". Members of this group indicated a dislike for me from day one through such means as looking me up and down and rolling her eyes, scowling at me, and behaving toward me in other discourteous, rude, demeaning, and humiliating ways. I accepted this as "newcomer syndrome" wherein the seasoned workers in a department are unkind toward the new workers (it's not uncommon), and considered that it would likely pass within a few weeks. Supervisor Deloney also indicated that would be the only reason for the conduct and said to "just let them warm up to you".

However, as the weeks continued, I met with several complaints from co-workers and Supervisor Deloney, specifically in regard to properly ordering the ORGLU tests, such as when it is and is not appropriate. Supervisor Deloney provided almost daily assurance that my progress was right on target for a person who has not had experience in a medical laboratory previous to this position and was told, in fact, that I had learned so

46 well and so quickly that she was going to place me in Customer Service – she “was sure I
48 could handle it” – where I would be responsible for answering the phones, retrieving the
50 lab results and checking the Outreach slips for correct information and correct tests
ordered in accessioning. She felt that because of my Associates Degree in Administrative
Assisting, I would have no problem holding down the “office” aspect of the department.

52 The day following my assignment to customer service, Supervisor Deloney notified me
54 personally that I “would not be allowed to work in Customer Service again because my
56 co-workers...”, specifically those in the clique “...did not feel I had been in the
58 department long enough to work in Customer Service and felt I should work longer in the
60 back of the lab before being allowed to work in Customer Service”. She stated that they
62 “felt if anyone should be in the office, it should be one of them because they have been here
longer.” Supervisor Deloney stated that she regularly referenced the other accessioners
on how the new hires (2) were doing in the lab to make her determinations on our
respective progress, and she (Supervisor Deloney) had made a mistake to place me in
Customer Service, “It was (her) fault” and “She should have checked with the other
accessioners to see how (I) was doing and what they thought of it before putting me in
there”.

64 Following my day in Customer Service, it became common knowledge in the laboratory
66 that Marlena (Supervisor Deloney’s best friend) had stated that I smelled up the office
68 and stunk when I stood near her to ask a question about a test. Marlena took to spraying
large quantities of the laboratory industrial-strength cleaner when I was in the Customer
Service office and she was required to be in there as well, such as when I was charting. I
70 consider this demeaning and harassing. Although I was concerned at that time about co-
workers, especially those who indicate a predisposition against me being allowed to
72 determine my job responsibilities, I voiced no concerns to Supervisor Deloney at that
time. However, my concerns became elevated when I began receiving numerous
complaints from Supervisor Deloney regarding minute things that were, as she –at that
74 time- stated were “things to be learned in the process of learning the position”, because
she “had no real procedure on how to do the job”.

76 These things included ordering the proper test by confirming with one of the seasoned
78 workers prior to ordering whenever I was unsure of which test was being requested. That
was the largest hurdle for me, as I have an American’s with Disabilities Act covered
80 mental impairment which significantly impacts my ability to interact with others,
causing me to be shy and withdrawn; however, I made the effort and received assistance
82 from Turkessa, Vikki, Elizabeth, and Javonka without incident. On the other hand, when
they were not available and I was left to ask of other persons, I was met with rudeness
84 and treated in a manner consistent with one who is simply not welcome.

86 This behavior was especially pronounced with Janice, Marlena, and Brandy. (Although
88 clearly disliked by Carla – her disdain was so visibly pronounced that I never even
ventured to ask her a question – which is to my credit because she is the person who

missed the 5 tests on one person's sheet mentioned earlier!). In fact, Brandy began rudely yelling things out so loudly you would have thought either she had Tourette's Syndrome or I was standing on the other side of the room. Nevertheless, Supervisor Deloney continued to berate me regarding these things that I was to, per her, "learn on-the-job" while simultaneously proclaiming that I was "doing a great job" and to "not worry about it; it's a lot to remember".

Upon notification of the discriminatory conduct I was receiving was provided to Supervisor Deloney, I was constructively terminated.

4. HOW DID YOU ALLEGEDLY VIOLATE COMPANY POLICY?

Company policy mandates that if you are receiving discriminatory behavior from personnel who have been there longer than you, you are to say nothing and accept the treatment.

I cannot testify to the exact date at this time; however, I was called into the office of Supervisor Deloney and was told that we are required to register a certain amount of people per hour, per day and my numbers were too low. Supervisor Deloney indicated at that time that my employment was in the balance of having the same amount of registrations as the accessioning staff that sits at tube station ID# 111. Neither during the interview, in the job description, nor in the days subsequent to my start date was I made aware that there were a certain number of registrations and accessions we were required to do in the lab. I am not sure how that number would even begin to be calculated given that it is impossible to determine how many specimens will come into the laboratory each day.

One of the accommodations required for my mental impairment is that I am in a non-competitive environment. Supervisor Deloney was made aware of this at the interview and during this meeting. In fact, I told her during this meeting that if she required an accommodation request be in writing, I would be able to get that for her; however, she stated "it was not necessary; to do as many as I can- just for the experience of working in that particular program." Additionally, Hurley Medical Center was made aware of the accommodations required due to my impairment and was provided a copy of a psychological exam which indicates the accommodations required.

Nevertheless, Supervisor Deloney continued to machinate a constructive termination by making regular occurrences for other accessioners unavailable and prohibited to me. For example, she indicated that the day previous to our conversation she had witnessed me open up a Flint Journal newspaper in the laboratory and read it while others were working and the other accessioning staff (specifically those who are in the clique - who sit at tube station ID#111) had an issue with it and complained to her about it. I explained to her that I had finished my specimens and there were no others available for me to acquire, to which she responded, "Yeah, I know, but it looked bad".

134 When I began employment in the lab, Supervisor Deloney specifically stated there would
136 be times when there was nothing to do and I could read something during those "down-
138 times" if I wanted to, including the Flint Journal (she specifically named or some of the
140 magazines from the break/lunch room). Additionally, it is not uncommon for the
accessioning staff at tube station ID#111 to open up a Flint Journal and make shopping
lists (it has been seen many times before). Nevertheless, there was only an issue about
reading a Flint Journal in the laboratory when I did it.

142 The same applies to the internet; I regularly utilized the online (intranet) directory to
144 obtain physician information and departmental phone numbers; however, I was told by
Supervisor Deloney that she had received a complaint from other accessioners that I had
146 been online. I informed her that I was using the directory, which she was surprised to
find out was there, and stated that this use was fine; she thought I was merely surfing
148 the internet with work to be done. Although I have seen other (clique) accessioners
browsing through catalogues and completing orders online, it was not something I
partook in. Supervisor Deloney previously indicated to me that in down-times it is also
150 acceptable to utilize the Internet service that the hospital provides for personal
entertainment. Nevertheless, once again there was only an issue when I was involved.
152 When I partake in these things that (I was told) are commonplace and acceptable
behaviors, there is a controversial issue that needs to be addressed. I have been treated
154 differently since my employment began and the behavior has only escalated - as you see ::
I have been fired.

156 When Supervisor Deloney indicated to me that my job was on the line of registration
158 numbers, I indicated to her that the tube system is mostly what I focus on, per her orders
to do so, and I was receiving no assistance from the other accessioning staff in those
160 duties which would allow me to also complete mass amounts of registrations. At tube
station ID# 202 (where I sit) we had implemented a system wherein Turkessa and Vikki
162 would register the patients and I would maintain the tube system and occasionally order
some of the patients they had registered. As such, my numbers could not possibly match
164 those of the accessioners at tube station ID#111 because that tube received 1 incoming
tube per every 10-15 of tube station ID#202. At that time, Supervisor Deloney laughed
166 and stated, "Yeah, I know; it's always busy down where you are and those guys down at
the other end won't come and help you - I know". Then she indicated I was to do as many
168 as I could because my numbers needed to be up there with the accessioners who were not
accessioning in-house specimens, such as I was. Supervisor Deloney had previously given
170 me a checklist indicating order of priority for specimens and indicated that in-house was
higher priority than Outreach (which are the specimens being registered).

172 I discussed the matter with persons inside the laboratory and with persons outside the
174 laboratory and determined that I would write a letter to Supervisor Deloney indicating
that I wanted to initiate the grievance procedure through Local 1603 because I felt I was
176 being singled out for reasons, including being asked to do twice as much work as the

178 other accessioners. Supervisor Deloney indicated that she was taking the letter to
Human Resources/ Personnel to have it determined if I should be fired for writing it.

180 The union representative encouraged me to go and speak with Supervisor Deloney one-
182 on-one to prevent her from trying to fire me for writing the letter and I did so. Supervisor
Deloney was specifically told of the manner in which I was being treated by the [clique]
184 accessioners and that I was being treated differently and want the behavior stopped. She
indicated that previous to that time she was not aware of any problems with the working
186 relationship between myself and the other accessioners and asked for names of the persons
who were treating me in such a demoted, degrading manner; they were provided. From
188 that time, on; however, Supervisor Deloney partook in the behavior that was the cause of
concern from my co-workers, making my working hours uncomfortable and making
190 broad changes to only me that were making it difficult for me to work.

192 Supervisor Deloney served three disciplinary notices on me in one day at the same time.
The one that requested permission to terminate my employment, stated that it relied upon
194 a performance review. The performance review indicated that the manner in which I do
my job was excellent; however, I failed at "teamwork". As illustrated in the above
196 statements - I was not welcome on the team.

198 *I did not violate company policy.*

200 *I was constructively terminated for reporting discrimination to my
supervisor.*

202 Supervisor Deloney, although made aware of the extreme bias being exhibited toward me
204 by other accessioning staff, including those in the Customer Service office, provided an
Employee Performance Review on November 30, 2007 which indicates:

206 *Teamwork*

208 *Lowana does not accept or acknowledge the work of others. Lowana makes
allegations of sabotage by fellow laboratory clerks and medical
210 technologists. The management staff could not substantiate any claims.
Management staff recognizes Lowana of initiating problems with team-
212 based activities.*

My response

214 *These statements are inaccurate and untrue rabble constructed merely to justify
terminating my employment for reporting discrimination and harassment:*

216

- 218 1. I don't accept the work of others, because it is not my job to do so. The medical
220 technologists accept the work of others, specifically the accessioned specimens. I
222 accession; that is my job – and it involves me, with others being involved only as
224 needed. It was explained to me that this was an individual job, not a group effort
226 with the specimens I would be responsible for.
- 228 2. To indicate that I do not acknowledge the work of others, is recklessly defamatory. I
do not follow behind any other employees checking their work; I process the
specimens I have and route them accordingly. That is my job; it the job of
supervisors to monitor other employees. I do my job only – which prevents mistakes
from attempting to complete tasks out of my range of abilities, such as that done by
the medical technologists.
- 230 3. I made no allegations of sabotage regarding a medical technologist. I believe
232 Supervisor Deloney to be in reference to two (2) incidents wherein specimens were
234 removed from the tube system and thrown away by Brandy Marsh. Irrespective of
the management staff's failure to "substantiate any claims" by Ms. Marsh
providing a full confession, it is my position that the circumstantial basis is valid
enough to conclude that Brandy Marsh performed according to the behavior she is
accused of doing, specifically throwing specimens into the garbage. Ms. Marsh was
standing at the tube system retrieving specimens on both occasions; neither
specimen was received by me; and both specimens were found in the garbage.

240 However, it is common knowledge that Supervisor Deloney is partisan in evaluating
242 this claim – she gives inappropriate authority to those whom she has established
special relationships with, including Ms. Marsh and Ms. Miller. While a special
relationship in and of itself is not in violation of any policy, it becomes violative
244 when those special relationships are allowed to impact the employment status of
other employees at the preference of the special friend..

246 Supervisor Deloney without restraint demonstrated a preference for Ms. Marsh to
248 the extent of rearranging my schedule, which is in violation of company policies,
upon the request of Ms. Marsh and repeatedly threatened to drastically shorten
250 my hours if I were to pursue a grievance about such incidents, which is
retaliation for initiating the enforcement of my rights to file a grievance..

- 252 4. "Management staff" is clearly accumulating a constructive discharge by indicating
254 that I am initiating problems with "team-based activities".

256 It is common knowledge that I stay to myself, am quiet, and do my job with minimal
258 errors. The fact that I am not a social butterfly has been a problem for the seasoned
accessioners since I began employment. As it happens, I have a mental impairment
260 which causes me to be withdrawn and non-social outside of employment-related
necessity.

262 Further, I object to this entire comment as vague and deceptively misleading. The
264 indicator under the "High Performance" of the Teamwork heading indicates:

266 Actively promotes collaboration and strives to achieve team
268 objectives and common goals. Consistently takes on and completes
270 assignments from the team. Acknowledges the contributions of
others. Builds trust through communication. Contributes to the
success of the team by helping others and seeking help from the
appropriate sources to accomplish tasks.

272 Inasmuch as that is the highest performance described; I accuse management of
274 constructing a discharge. I constantly strive to reach objectives and common goals of
the laboratory. Further, if I did not "acknowledge the contributions of others", it is
needless to say that I would take credit for all the work done in the laboratory; yet I
have not done so.

276 At no time have I belittled, demeaned, or disrespected anyone in the laboratory, but
278 that is what has been done to me on a DAILY basis. I am routinely accused by
280 accessioning and (per management, by the medical technologists) of things I have
not done.

282 The commentary provided by Supervisor Deloney is not merely inaccurate and untrue; it
284 is a calculated, malicious, vicarious lie.

286 Supervisor Deloney specifically indicated that what I have "accused" my co-workers of
288 doing toward me "cannot be substantiated by management staff"; however what my co-
workers have "accused" me of doing management commands that I must have done,
290 which is not only unfair, but also biased propaganda indicative of managerial intentions
to terminate my employment without justification. Supervisor Deloney stated in the
meeting wherein I was suspended pending permission to terminate that she felt I was not
a team player because I "don't fit in" and the other staff don't like me.

292 Her disposition that I have failed to adequately "fit in" is restated in writing wherein she
294 pens: "Lowana does not work well with others. Lowana does not acknowledge direction
296 from some of her co-workers." Specifically, Supervisor Deloney is referencing her other
special friend, Marlena Miller. Supervisor Deloney was made aware that Ms. Miller was
298 the first person to initiate hostile, disrespectful, rude behavior toward me. Ms. Miller is
not supervisory staff at Hurley Medical Center; however, on numerous occasions she
would enter the accessioning area and begin inserting specimens into the work I had
300 already set aside for myself - without the authority to assign work to employees. It would
302 have been adequate for the specimens she obtained from the tube system to be set upon the
table so any accessioner could in-process them instead of literally throwing them into

304 what I already had determined I could handle at that time; it was not Ms. Miller's
position to interject in my work – she is not employed in that capacity.

306 Nevertheless, Ms. Miller routinely violated boundaries of professional and personal
308 courtesy. Boundaries which Supervisor Deloney was made aware of and chose to
routinely used that special relationship with Supervisor Deloney to initiate negative
310 feedback and discipline toward me, a person whom she does not care for (as you recall the
312 industrial cleaner episodes mentioned previously). Ms. Miller regularly made it known
that when she wants something done, she gets it done through Supervisor Deloney and to
314 watch myself carefully. This included being told things that had been said by me in
confidentiality to Supervisor Deloney, which she discussed with Ms. Miller and the
316 subject matter of which regularly was then dispersed throughout the laboratory and
subjected me to ridicule, humiliation, and embarrassment.

318 Contrary to Supervisor Deloney's allegations, I normally provide the same courtesy and
respect as is shown to me by others. In this case, I provided more than was shown to me.
320 The fact is I remained silent most of the time and to myself because the [clique]
accessioners were so mean that only rudeness could have been returned to them and my
322 parents had the foresight to instill manners. Supervisor Deloney illogically deduces that
popularity will guarantee a yield of workplace efficiency or quality of contribution to the
324 "team". In fact, only holding up your end of the job and completing the tasks assigned to
you is what guarantees a yield of workplace efficiency and personal efficacy to the
326 "team". Supervisor Deloney holds me responsible for not "fitting into" the laboratory
clique; however, that is not a bonafide job qualification, is not in the job description, and
328 is not a valid reason for termination of my employment.

330 **5. DID YOU RECEIVE ANY VERBAL WARNINGS BEFORE YOU WERE**
FIRED? IF YES, PROVIDE THE DATES AND REASONS FOR WARNINGS
BELOW.

332 No, I did not. I was continually told that I was "doing a great job" and they were "so
334 happy to have [me] on board" and "thanks for all your help" by Supervisor Deloney.
There was no indication that I was being disciplined for anything until the date of
336 suspension pending permission to terminate. However, the discriminatory and harassing
conduct worsened and began to include Supervisor Deloney personally after she was
338 notified of the specific problems, which left me with the feeling I was being constructively
terminated by her.

340 Supervisor Deloney began participating in the behavior which caused the concern with
342 my co-workers. Ironically, she specifically did the things I stated the co-workers did – a
blatant mocking, which included being told, "I'm not singling you out," as a preface to
344 every statement made to me. Her behavior also included:

346 G Supervisor Deloney walked into the laboratory with noone there except me
348 and Tammy (the other new hire). She walked past me and began conversing
with Tammy; then looked out the corner of her eye and in an obligatory,
350 irritated tone stated, "Hi, Lowana", continued talking with Tammy and left.

352 G Supervisor Deloney walked into the laboratory, saw Brandy and smiled at
her; on her way over to Brandy, she saw me standing at the tube system
354 (ID#111) where I was returning surplus tubes, stopped smiling, frowned (literally furrowed brow),
looked away, and sat down next to Brandy. When I
356 passed by her on my way out I leaned toward her, said, "Hi, Kristin," and
she ignored me; remaining completely silent, rolling her eyes, and turning
358 her head away from me.

360 G Supervisor Deloney assigned both new hires to a particular weekend. In
general, you can determine which weekend you will be working. When
362 Brandy indicated to Supervisor Deloney that she did not care to work with
me on the weekend any longer, Supervisor Deloney removed me from my
regular time-slot. Upon inquiry about the change - as it was against
364 company policy - from the Union Representative, Supervisor Deloney
stated that if she wants to only work me one day per week, she will do so.

366
368 Following that day, I was called into the office and Supervisor Deloney
stated that she was no longer able to assist with things such as switching
370 days - if I needed it to be done, because the Union Representative had
complained about it. However, Supervisor Deloney had just approved the
switching of a Tuesday for a Wednesday at the request of Tamara (Tammy)
372 Green (the other new hire). Once again, it is only a problem if it is
something I am doing, or requesting.

374
376 Notwithstanding all of that, when I walked into the locker room, Brandy
was bragging to Elizabeth that she told Supervisor Deloney specifically that
378 she did not want to work the weekend with me and that was the reason my
schedule was changed. Per the Union Representative - who confirmed with
the union's Bargaining Chairperson - Supervisor Deloney is not allowed
380 to change my schedule merely to accommodate the whim and fancy of a co-
worker; but only for such matters as needing to fill a vacancy.

382
384 It is my contention that Supervisor Deloney orchestrated a termination of my services
because she was notified that I had been in contact with Mr. Parker and she would be
386 asked to provide a valid reasoning behind the issues of concern submitted thereto,
arbitrary changing of my regular weekend and refusal to reassign it to me, and other
388 discriminatory conduct.

Supervisor Deloney continually presented with behavior consistent with the disposition

that it would be easier to fire me because I am different and have not been accepted or deemed acceptable by the other accessioners rather than to confront the bias and command the illegal treatment stopped. Being liked is not a bonafide job qualification, and renders this termination contrary to public policy. However, upon making that statement, it was written into the next listed opening for that position : I cannot recall specifically; however, it was something to the effect of must be able to establish and maintain social relationship with laboratory staff. Unfortunately, I would require an accommodation in that respect, because I do not maintain social relationships – and generally, you cannot require that someone become friends with a co-worker – that is not a legal action.

6. DID YOU RECEIVE ANY WRITTEN WARNINGS BEFORE YOU WERE FIRED? IF YES, PROVIDE THE DATES AND REASONS FOR WARNINGS BELOW.

Yes, I received three disciplinary statements on one day with no prior notification that I had done anything. One requests a one-day suspension; one requests a three-day suspension and one requests a suspension pending permission to terminate for failing the performance review. Although this contrary to company policy which requires a verbal warning, and continues along a line of progressive disciplinary action, I was notified that because I spoke with Supervisor Deloney about the treatment I was receiving (in the letter and then in the meeting about the letter), she was set to fire me – because anyone who complains about being discriminated against –even if they are treated as badly as I am is considered a “problem employee” by Hurley and is discharged; I should have just decided to “grin-and-bear” it; do my time to remain employed there throughout probation and then I could say something. However, I was told my probation had ended on one day when I was sick. (I had food poisoning – which Supervisor Deloney knew before I went home the previous night) The problem is that the inflammation in the intestines triggered excessive pain in my uterus – where I have fibroids. Anytime my intestines become inflamed with excessive gas or I have diarrhea – or constipation, I have double the pain because of my fibroids. Nevertheless, the probationary period was up on that day.

In regard to the Record of Disciplinary Action which holds a 1 day suspension for the charge of violating Rule # 5 (Probationary Attendance), specifically described as:

1. You called off for your shifts on Nov.16, Nov. 17, and Nov. 18, 2007.

The other new employee, Tammy called in several days in one month because her son was sick and called in several days in one month because she was sick. Tammy has not been disciplined for any of her absences.

2. As a probationary employee, you are subject to disciplinary action for each absence.

434 I am being subjected to disparate treatment in retaliation for not accepting the
436 harassing treatment from co-workers in the laboratory without complaint. Tammy
438 has not received discipline for either of those absences. Further, it is against company
policy to take time off for your child being sick – she was not qualified (yet) for
FMLA; however, as stated – she was not disciplined for those absences.

440 2. Future violations will result in progressive discipline action, up to and including
442 termination.

444 No response is required for this statement.

446 ***In regard to the Record of Disciplinary Action which holds a 3 day suspension for the***
448 ***charge of violating Rule # 12 (Careless Workmanship), specifically described as:***

450 1. Specimens received on Nov. 26, 2007 did not meet HMC patient identification goals.

452 First and foremost, I cannot be held responsible for the failure of specimens received to
454 meet identification goals. I have no authorization to handle specimens outside the
capacity of their receipt and processing (accessioning) inside the laboratory.

456 HMC patient identification goals have not been identified to me at any time by any
458 managerial staff member in the laboratory. I cannot thereby be responsible for
attaining "goals" that were not presented.

460 Supervisor Deloney specifically stated to me that it is the responsibility of the medical
462 technicians to check the labels on the specimens to ensure that they match the labels
generated in the accessioning of the specimens.

464 Supervisor Deloney also stated that while it is the responsibility of the medical
466 technicians to do so, it is helpful for the accessioners to check as well. She further
468 stated that when there are so many coming in from the in-house, it is not necessary to
"really focus on that because really it is the med techs responsibility".

470 2. The CISCO label name and birthdate did not match the MISYS label name and
birthdate.

472 Although she simultaneously claims noone has ever come to her to speak to her about
474 me in regard to mistakes, Supervisor Deloney presents that a med tech stated to her
476 that a label from accessioning did not match the label on the specimen sent from the
floor.

478 *Had this occurred without the intent to compile a record upon which to terminate my*
480 *employment, Supervisor Deloney would have addressed it with me at the time it*
happened – which is her demonstrated policy for when mistakes occur – she addresses
482 *them at that time. In fact, the intention to terminate my employment is the only*
reason this ludicrous, untruth is being presented.

484 *As previously indicated, managerial staff claims that when I say I am being singled*
out and subjected to disparate, discriminatory treatment – those claims cannot be
486 *verified. However, upon “claim”, “accusation”, “assertion” of other laboratory*
employees, Supervisor Deloney claims I have made the mistakes attributed to me.
488 *Mistakes which she neither witnessed, nor was able to verify except through hearsay,*
which frankly holds the same weight as the claims, accusations, and/or assertions
490 *presented by me.*

492 *Nevertheless, I am told by management that I have done these things because other*
employees say I have and those employees have partaken in no adverse behavior
494 *against me because they don’t admit to doing so.*

496 *It is the policy of the medical laboratory that if labels do not match, that the medical*
technician discard the specimen and contact the floor. In addition, when a specimen
498 *was mislabeled by me (which happened when I first began employment), it has always*
been that the medical technician will bring the specimen to me so the test can be
500 *credited by me if they have not done so.*

502 *Nevertheless, I have no access to the CISCO system. CISCO is only accessible by the*
nurses and doctors who input the requested tests instead of sending the request to the
504 *lab to be input. If, for example, a slip lists 0059437 as the medical record number but*
that is not the medical record number of the person whose name is on the specimen,
506 *the wrong information will print.*

508 *The labels are acquired and printed by medical record number, not by name. I cannot*
force the handwriting of the submitting personnel to correspond with what is in the
510 *MISYS system, nor can I force the MISYS system to print out incorrect information*
so that it matches the CISCO information. I can only input what information is
512 *supplied and accept the results that information yields – otherwise I would be*
fraudulently altering medical evidence, which violates numerous laws, I am sure.

514 3. MISYS labels were also generated that did not have the corresponding tube type.

516 *I do not understand how I can be held responsible for MISYS labels being generated for*
tube types that were not submitted to the laboratory. MISYS prints labels whether the
518 *specimen is received or not; there is nothing anyone can do about it, and Supervisor*
Deloney initially stated to simply throw the labels away in those instances.
520

522 This is a common occurrence that is caused by the entry of orders placed outside of the
laboratory and the receipt thereof; it is also an occurrence for all accessioning staff, yet
524 I am the only person who has been written up for it and whose employment is being
terminated for its occurrence. When specimens are submitted to the laboratory with
526 orders already entered in CISCO, it is not uncommon for the floor that submitted the
orders (transmittal) and specimens to have provided an incorrect specimen or no
specimen at all. That is why special codes have been developed for crediting out tests
528 that were ordered that cannot be performed for such reasons. Those special codes
include:

530 IMSP: Improper specimen / tube type; please reorder

SNOT: Specimen not received

532 LABL: Identity unclear / improperly labeled specimen

534 Supervisor Deloney directly stated to me that when there is an issue regarding a
specimen, including non-receipt, or wrong one, the procedure I am to follow is:

536 Select the "Move" option from the error message options. This option functions to
538 identify the problem with the specimen directly to the floor and prints a label
indicating that the test requested has been moved the "problem list". That list is
540 immediately electronically forwarded to the floor that input the order so they can
address the problem, submit the proper specimens, and the test can be run. (When
542 routed to the problem list, the labels list "PROB" in the corner as opposed to ex.
"LAV" for a lavender-top. These labels are distinguishable from the labels which have
544 specimens which were received.

546 Supervisor Deloney later revised her instructions to indicate that if it was necessary to
"move" the tests to the problem list, I was to set the labels to the side and hold them. If
548 the specimen required had not been received by the time my shift ends, I am to take the
labels held, credit out the test with one of the previously mentioned codes, and throw
550 the label away.

552 During the Nov. 30 meeting with Supervisor Deloney regarding terminating my
employment, Supervisor Deloney stated that medical technicians had dug through the
554 garbage and located labels printed by me. Notwithstanding that this is genuine
hearsay, the labels were listed as having been routed to the problem list.

556 (Again, when the test is "moved", a label prints as verification of that movement. The
558 label will, instead of indicating itself as going onto a RED or LAV, etc., in the top
right corner, indicate that it is a PROB, meaning it is on the problem list and has no
560 specimen to be placed upon). That is the label to be held until the specimen arrives or
the test crediting completed.
562

That is the STANDARD PROCEDURE, so it is indeterminable the justification management has for issuing a disciplinary action to me for regular laboratory policies being followed in response to regular laboratory issues.

4. Also, an arterial blood gas was sent to the chemistry department without a MISYS label.

This is simply a lie. The MISYS label prints off with a large label that has a barcode, and two smaller labels that have the accession number on it. All three labels provide identification of the patient and the orders assigned thereto.

Emily, the med tech in Chemistry indicated that she did not receive the barcode label and asked me if I still had it or had thrown it away. She read the name of the patient from the small label that was affixed to the blood gas. I did not have the barcode label, and told her that I brought it over with the blood gas and set the blood gas on top of it. She then stated she did not see it and would reprint the label (which I offered to do for her – but she said it was “no problem; [she] would reprint it”).

I cannot account for a specimen or label once it leaves me. I collected the label to that blood gas and took it to the chemistry department. It was not in my possession or in my garbage can. However, I remember taking it to the chemistry department – I only had the blood gas and label in my hand.

This is an outright lie!

5. Future violations of HMC work rules will result in progressive disciplinary action, up to and including termination.

No response is required for this statement.

Supervisor Deloney goes on to indicate I have trouble comprehending the working of the computer and how “two programs can interact with each other”.

In regard to the November 30, 2007 Record of Disciplinary Action which provides penalty of suspension pending permission to terminate: It is my understanding this is based upon the Employee Performance Review.

Said document maintains that my technical work (the actual doing of the job, the productivity is worthy of a 2.79. I will direct attention to number 7, which indicates I process and prepare specimens according to established policies and procedures.

606 It continues by stating that I show mild irritation and impatience toward internal and
608 external customers and provides example of communication regarding how to pronounce
my name. (1) That communication was for the laboratory department, not customers,
and indicates within the message that we have been co-workers since August.

610 The Performance Review indicates I receive a 0 for teamwork; however, it is I who have
612 been falsely accused, verbally assaulted, and treated disparately since I began
employment in the laboratory, irrespective of the great lengths I have gone through to be
614 accepted to this "team". If the "team" is not willing to accept you, you cannot score high
on "teamwork" – you aren't welcome to contribute.

616 Supervisor Deloney indicates that I am reluctant to acknowledge my own weaknesses or
618 minor mistakes. Here's one I acknowledge :providing honest feedback, per her request, to
Supervisor Deloney – that was a mistake; my concerns should have only been brought to
620 the union, the Civil Rights Department, and the Equal Employment Opportunity
Commission. My weakness was placing faith in deceptive people who laugh behind my
622 back at me and then in my face when they are firing me.

624 Supervisor Deloney states that I failed to meet satisfactory levels of productivity because I
was reading the newspaper. But, she deceives with the rest of the comment. There were
626 no additional outreach specimens left. Additionally, she and I had discussed
previously that the seasoned accessioners (those at tube #111 instructed me not to do the
628 outreach because they did not feel I had been there long enough to be allowed to do that
either); I was allowed to do a few here and a few there. Supervisor Deloney refused to
630 address that as well.

632
7. **DID YOU VIOLATE COMPANY POLICY? IF YES, PROVIDE SPECIFIC**
634 **DETAILS BELOW.**

636 No; I did not violate company policy. I do think that I have shown where company policy,
state and federal laws were violated against me, though.

638 In fact, Supervisor Deloney spent 20 minutes disciplining me for ordering an FETIBC
640 for the IONCAL that was requested. The disorder, however, was not mine. When that
was stated to her, she said, "Oh, well, I was sure it was you, because you're new." It is
642 not necessary to admit to the mistakes of another – due process is the law of this land.
Give me what is due – not what is someone else's. Supervisor Deloney was visibly
644 angered by the fact that I told her it was not my writing on the order slip.

646 To further your investigation, I can provide further examples of the discrimination I was
shown by the management staff. It was made clear that because the accessioners did not
648 care for me I was to be forced out. Specific instances of disparate treatment from

supervisory staff toward me include:

Sheila v. Dr. Walsh

- a. I was told to order tests of GCC and GENBHS on the same accession number. On one occasion in doing so, one of the tests came back negative and one came back positive. The physician, per Sheila Moore, could not determine why this would occur, ignored the positive result and failed to provide treatment to the patient – which allowed the disease to progress.

The manner in which I ordered the test was the same which the other accessioners ordered the test. In fact, Supervisor Deloney stated that it was just “bad luck” that this happened to the tests when I ordered, but it was a learning moment for all of the lab, because even she did not understand and needed to speak to Sheila for clarification of how the GCC and GENBHS were to be ordered.

Sheila Moore, however, came into the accessioning area and berated me in front of all the other accessioners. Then she stated that we are lucky the patient is going to be alright and “It’s a lot to remember”. This public humiliation was in sharp contrast to Dr. Walsh’s method of addressing the situation. He sent a mailbox through Sunquest® to all accessioners (not sure of any other recipients) which explained that the GCC and GENBHS were two different tests done on pregnant patients and they had to be ordered on two accession numbers (even if only one specimen is received) because of that.

When I indicated that I felt singled out by Ms. Moore, I was routinely ridiculed by Supervisor Deloney, who prefaced every statement to me with, “I’m not trying to single you out...”.

Different Down-time Rules

- b. I was told that in periods where there is no work for me to do, I am allowed to read a book, magazine, or use the internet to pass the time.

Supervisor Deloney stated to me that other accessioners (sitting at Tube station ID#111) came to her to complain about the fact that I had opened a newspaper to read it when they still had work to do. It was of no consequence to Supervisor Deloney that I had completed my work and there was no other work available to me.

On numerous occasions, that same group of accessioners have pulled out newspapers, books, magazines, and done shopping online. Yet, these options, though presented to me are not accessible to me when the accessioners at Tube Station ID# 111 are not happy about it.

Please note, this is another occurrence where Supervisor Deloney indicates persons are coming to her with complaints of my work. This clearly shows the ambiance of the

laboratory toward me was always hostile with efforts continual toward terminating my employment.

Registering and Accessioning

- c. I was told to do twice as much work as the other accessioners or lose my job. This would be done by handling all of the in-house work and registering as much outpatient/outreach work as the accessioners who did none of the in-house work.
- d. I was told to work without taking a break, and was monitored on time when I went to the restroom.

Personal use of mailbox system

- e. On Nov. 30, Supervisor Deloney stated to me, "People are laughing at you behind your back because you don't like how your name is mispronounced".

Supervisor Deloney, when introducing me to Sunquest stated that it is a private system that is used for communicating within the laboratory. The manner in which she explained Sunquest, indicated that it was a system within the laboratory only; she did not present any indications that it went to clients of the laboratory.

It is incomprehensible to me that Supervisor Deloney thinks it appropriate or professional to laugh (she literally laughed) at the fact that I took issue with my name being mispronounced. It is customary in my culture that when a person has known you for quite some time and they continue to mispronounce your name, it is because they intend to show disrespect. Irrespective of another person's perceptions as to why calling a person named Lowana (with a badge that says so) Jawanda would occur, that is my custom and my belief.

Had a physician complained to the laboratory about his or her name being mispronounced, there would be no issue- there would be disciplinary action taken.

Nevertheless, Supervisor Deloney felt it appropriate to mock me for providing clarification on the pronunciation of my name by laboratory staff who had been working with me almost two months at that point.

Further, she indicated that this was an inappropriate mailbox. (When introducing the mailbox system, she stated that if I needed to communicate with only one person or with everyone in the laboratory, I could use Sunquest - now that I have, it is inappropriate to do so). Supervisor Deloney indicated that the mailbox system was not for such personal use; however, I have received mailboxes that are personal use, including requests for fundraising support (for laboratory staff children), and offers for things such as the pampered chef for Christmas shopping. Not everyone celebrated Christmas, yet these personal mailboxes are routinely placed in Sunquest, without issue.

It is differential treatment. It is separating and classifying me as different from the rest of the laboratory staff.

Wrong specimens received from ER

f. When the ER sent the wrong specimens, I contacted them (as told is the procedure), notified them of the problem, and requested the proper specimen.

The ER physician called the laboratory and spoke with Supervisor Deloney. Supervisor Deloney, in turn charged into the accessioning area straight to me, yelled, "What did you call the ER for; they said they sent the right specimens." I showed her what I received and the requested tests (on a downtime slip). She took the paperwork and came back about 15 minutes later with new tests to be ordered on the specimens received – the tests requested could not be run from the specimens submitted, as was indicated to ER by me.

Nevertheless, Supervisor Deloney accused me of improper behavior and I addressed that with her. She responded that I don't take constructive criticism well. To my credit, in order for criticism to be constructive, it needs to be accurate.

Supervisor Deloney has not ever yelled at someone or thrown open the door and charged in to someone – not in the time I've been there. It was physically aggressive, and an unnecessary public display.

Regular procedure for IONCAL when Blood Gas submitted

g. It is not uncommon for the floor to send a blood gas when an IONCAL has been ordered, so that test can be run from it.

When that happens, there will be no orders listed for the blood gas.

It has been procedure (all during my employment) that when this is the case, a label will indicate that no test was ordered on the blood gas specimen. We are to place the label on the blood gas and take it to the chemistry department with the other specimens for that order.

Once again, this is a standard procedure that I am being disciplined for.

Microbiology specimens counseling (personal counseling – all others received a mailbox)

h. Supervisor Deloney indicated she would speak with Sheila for explanation on the GCC, GENBHS testing for clarification that she could pass on to the rest of the staff.

She then called me into her office to discuss the newsletter, stated she would be sharing the same information with the rest of the staff, and stated that she "Still does not understand, but they are supposed to be ordered on two accession numbers, for

whatever reason".

Supervisor Deloney indicates that she provided counseling to me on how to order microbiology specimens. That is untrue.

In fact, Supervisor Deloney only stated the above as follow-up to obtaining clarification and stated that "All microbiology specimens need their own accession number; (I) forgot to tell you that when you started".

- i. If Supervisor Deloney is stating that she counseled me on the proper ordering of microbiology specimens, then she does so in effort to validate terminating my employment. It is the responsibility of Supervisor Deloney to ensure that I am provided with the how-to of the position, whether it is ordering a microbiology specimen or ordering a chemistry test. It is improper protocol to compile a record of disciplinary infractions to terminate employment based upon procedures that were never indicated.

Complaints about med techs (okay for others, but not me)

- j. I sent a private mailbox to Sheila Moore, laboratory director and asked her to advise me on how to handle announcing the blood gas when noone is in chemistry.

I received a blood gas and delivered it to the chemistry department. As my fibroid was flaring, I was not able to walk very far, so I announced over the PA that there was a blood gas in chemistry (new procedure). The med tech in chemistry (he was at the back of the lab and walking back and forth) came to the front and shouted, "Doesn't anyone see me back there?" with his arms flailing about.

Edith stated to him that he needed to be up front to receive the specimens. (Another witness to his behavior was Turkessa)

- k. If that med tech was kidding around, he showed no indications of doing so. He did not shout at the other person who had announced a blood gas over the PA, and I felt he was unprofessional and yelling at me.

- l. Supervisor Deloney stated that I make things up.

With 2 eye-witnesses, I can assure you I have verification this is not fabricated.

Constantly changing job specifications when done to what was previously requested

- m. Supervisor Deloney continually changed what I am supposed to be responsible for doing - and it was always different from what she had initially indicated.

- n. She stated, "This is really a work in progress, so none of us really know how things are supposed to be - we're all learning." *The difference is I am being disciplined*

for it.

Employee conduct rule violations

- o. When I indicated that employee conduct rules were being violated toward me, Supervisor Deloney indicated, "We'll get through this" and refused to address the issues.*

Not offered hours, per regulations that mandate to do so

- p. It is proper procedure to offer any overtime hours available to the person with the lowest number of hours worked. However, it was found that when April (one of the accessioners) called off, Tammy was simply placed in her slot.*

By right those hours were to be posted and made available; however, Supervisor Deloney indicated it was unnecessary to do so because Tammy was willing to come. Unfortunately, Tammy was not the person with lowest number of hours each time, and was thereby not entitled to those hours. In fact, Tammy said to me that she "Wished (she) hadn't said (she'd) come in for April because she was working so much she was tired".

20 hours removed from overtime credit

- q. The overtime calendar shows credit for overtime removed from my name.*

This happened to no other employees.

Overtime calendar shows different treatment (written on calendar : "called off", "called off", and "called off". No other employee has that under their name).

- r. No other employee has the days they called off listed on the overtime record. This shows a record for termination was being compiled in retaliation for being sick, for asking for discrimination issues to be addressed, and for being in contact with Mr. Parker.*

Numerous variations from what was promised in interview that changed based upon moodiness of Supervisor Deloney.

- s. Supervisor Deloney stated things that changed upon whim of other coworkers, including:*

*i. Maintaining the in-house specimens is most important
(She began demanding I do twice as much work – and that still wasn't enough)*

*ii. You will receive a minimum of 30 hours per week
(She notified my union rep that if she wants to work me one day per week, she will do so – and there is no one and nothing to stop her.)*

8. WERE YOU AWARE OF THE POLICY BEFORE THE INCIDENT
OCCURRED WHICH CAUSED YOU TO BE FIRED?

No. I was not only not aware of any "policy" violations; I was not made aware until I was being terminated that I was being accused of violating any.

In fact, because I did not violate any policies Supervisor Deloney – aside from constructing a discharge - attempted to call into question my ability to comprehend the basics of the computer, with specific regard to "how two programs can interact with each other". An issue never mentioned previous to her decision to terminate my employment. I think that had there been a problem with my computer skills, it would have been mentioned long before the end of November (3 months into the employment) inasmuch as that is something that greatly impacts the position – 60% of the work is computer-based, the other 40% is handling the specimen (labeling, turning in to proper department).

Nevertheless to address the assertion that my intellect was somehow lacking, I affirmatively state for the record:

I hold two Associate Degrees, CAD and Robotics Simulation Certification, I design webpages, create short films and have a professional background of creating and maintaining databases and intranets with my tested-at-expert-level computer skills. One degree is in Office Administration – which requires adequate exposure to and proficiency with computer-based protocol. I have previously held positions which required Helpdesk support and adequately provided it as well. To the assertion, or rather, assumption that I had difficulty comprehending how the computer programs interacted, I simply state: Hurley Medical Center offered no challenges in regard to the interaction of the computer within it's programming to me.

Supervisor Deloney also began regularly accusing me of making careless mistakes, when the work had not been done by me. I was routinely shown the errors of other lab clerk's and told it was my own. For example : Supervisor Deloney spent 20 minutes disciplining me for ordering an FETIBC for the IONCAL that was requested. The disorder, however, was not mine. When that was stated to her, she said, "Oh, well, I was sure it was you, because you're new." It is not necessary to admit to the mistakes of another – due process is the law of this land. Give me what is due – not what is someone else's. Supervisor Deloney was visibly angered by the fact that I told her it was not my writing on the order slip.

It wasn't a verbal warning, but it was her attempting to compile mistakes to validate a termination. When she was told that it was not my work which was erroneous – neither by handwriting, nor by the computer system number, she stated that I was "not willing to admit to my mistakes; and whether it was or wasn't my mistake it was information that was good to have, so to listen anyway." Then she droned on for another 15 minutes

on procedure and policy that not only did I know, but I had never messed up. As previously indicated, when we made mistakes, it was usually pointed out with no disciplinary action attached thereto. However, once it was determined that my employment should be terminated, I was routinely accused of making mistakes that were made by other clerks.

We are required to write down the accessioning number on the order slip and the computer monitors who entered information into the system. As such, Supervisor Deloney was aware that these were not errors made by me - from the physical signature and the electronic one. Yet, she made that one of the bases for terminating my employment.

CONCLUSION

It is my belief that my rights have been violated, including my civil rights, equal employment rights, and constitutional rights to my good name (14th Amendment).

I have been routinely discriminated against, not provided an equal employment opportunity; and my character, reputation, and work ethic have been defamed by co-workers and managerial staff in the laboratory.

As such is the case, it is my intention to pursue this matter through whatever avenues are made available to me, which is why a Civil Rights case has been initiated in this matter.

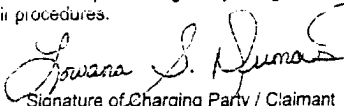
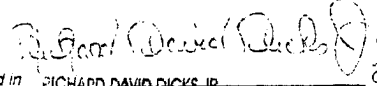
Thank you for your time; if I can be of further assistance, do not hesitate to contact me at your earliest availability.

Regards,

Lowana S Dumas

Lowana Shanell Dumas

ATT: Copy of Civil Rights claim filed

CHARGE OF DISCRIMINATION		COMPLAINT/CHARGE NUMBER
<small>This form is affected by the Privacy Act of 1974; see Privacy Act Statement on reverse before completing this form.</small>		MDCR # 383513
		EEOC # 23A-2008-00809C
MICHIGAN DEPARTMENT OF CIVIL RIGHTS and THE U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION		
<small>NAME (Indicate Mr., Ms., Mrs.)</small> Ms. Lowana Dumas	<small>HOME TELEPHONE NO. (Include Area Code)</small> (810) 249-7860	
<small>STREET ADDRESS, CITY, STATE AND ZIP CODE</small> 2615 Martin Luther King, Flint, MI 48505		
<small>Named is the employer, labor organization, employment agency, apprenticeship committee, state or local government agency who discriminated against me.</small>		
<small>NAME</small> Hurley Medical Center	<small># EMPL/MEMBERS</small> 200	<small>TELEPHONE NO. (Include Area Code)</small> (810) 257-9000
<small>STREET ADDRESS, CITY, STATE AND ZIP CODE</small> One Hurley Plaza, Flint, MI 48503		
<small>CAUSE OF DISCRIMINATION BASED ON</small> Race, Retaliation, Weight		<small>DATE OF MOST RECENT OR CONTINUING DISCRIMINATION</small> December 19, 2007
<p>I, a Multi-Racial person who is 5'4 and weigh 105 pounds, believes the respondent's representative subjected me to unequal terms and conditions of employment, and suspended me on November 30, 2007, then discharged me on December 19, 2007. I believe it is due to my race and weight.</p> <p>I began employment with the respondent on August 27, 2007, and last worked as a lab clerk.</p> <p>Discipline 11/30/2007 Race, Weight, Retaliation</p> <p>On or about October 16, 2007, I voiced a civil rights concern regarding employees making racially derogatory comments about my race and weight, and nothing was done. On November 26, 2007, the respondent's representative alleged that I mislabeled blood specimen. I deny that allegation. On November 30, 2007, I was suspended pending termination. I believe I was suspended in retaliation for having voiced a civil rights concern regarding my race and weight.</p> <p>Discharge 12/19/2007 Race, Weight, Retaliation</p> <p>On December 19, 2007, the respondent's representative discharged me for allegedly mislabeling specimen. I deny the allegation. I believe I was discharged in retaliation for having voiced a civil rights concern regarding my race and weight.</p> <p>This complaint is based on the following law: Elliott-Larsen Civil Rights Act No 453, Public Act of 1976, as amended Title VII, US Civil Rights Act of 1964, as amended</p>		
<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>I declare under penalty of perjury that the foregoing is true and correct.</p> <p>I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number, and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> <p>Feb. 19, 2008  Date Signature of Charging Party / Claimant</p>		<p><small>NOTARY (When necessary to meet State and Local Requirements)</small></p> <p style="text-align: right;">19 February 2008</p> <p>SUBSCRIBED AND SWORN BEFORE ME THIS DATE (Day, month and year)</p> <p style="text-align: center;"></p> <p>Commissioned in <u>RICHARD DAVID DICKS JR.</u> County _____ Notary Public, State of Michigan Acting in <u>County of Genesee</u> County _____ My Commission Expires 03-04-2014 Sitting in the county of _____ Commission expires _____</p>

Original

CIVIL COVER SHEET

Court in which action arose GENESEE

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

LOWANA SHANELL DUMAS

(b) County of Residence of First Listed Plaintiff GENESEE
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
IN PROPRIA PERSONA

DEFENDANTS

HURLEY MEDICAL CENTER ET AL
(SEE LIST OF DEFENDANTS)

County of Residence of First Listed Defendant GENESEE
(IN U.S. PLAINTIFF CASES ONLY)

Case: 2:10-cv-12661
Att Judge: Feikens, John
MJ: Morgan, Virginia M
Filed: 07-06-2010 At 09:01 AM
IFP Lowana Dumas v. Hurley Medical Center, et al (dw)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP (For Diversity Cases Only) and One Box for Defendant

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input checked="" type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 5 USC §5596; 18 USC §241; 18 USC §242; 18 USC §245; 21 USC §141; 29 USC §158; 42 USC §1201; 42 USC §1983; & 42 USC §2000...

Brief description of cause:
 WRONGFUL TERMINATION IN RETALIATION FOR REPORTING HARASSMENT AND DISCRIMINATION.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

7,500,000

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

July 4, 2010

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

1. Is this a case that has been previously dismissed?

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
